

REMARKS/ARGUMENTS

This Amendment responds to the issues raised in the Official Action of October 18, 2007 and discussed in subsequent communications of January 31, 2008 (an Advisory Action) and April 3, 2008 (an Interview Summary). The issues raised relate to written description and double patenting. The double patenting rejection has been resolved by virtue of a Terminal Disclaimer filed on January 14, 2008 and approved in an undated communication believed to be mailed on or about February 1, 2008.

Claim 46 is amended responsive to the alleged lack of written description to adopt terminology used in original claims 29 and 31. Claim 29 refers to a bioactive silicon “for use in a living human or animal body” and claim 31 refers to a similar bioactive silicon “suitable for use in a living human or animal body”. The terminology employed in amended claim 46 thus is included within the written description of the invention contained in the overall disclosure of the application as filed.

This amendment to claim 46 was the subject of a discussion with Examiner Alstrum Acevedo on March 28, 2008 and which reports “The examiner stated that he did not believe that original claims 29-31 ... provide support for the active step of placing bioactive silicon in a living human or animal body”. The Interview Summary does not further elaborate on the examiner’s views and of course applicants disagree with them. Clearly the terminology employed arises from the content of the original disclosure of the invention, is consistent with the overall objectives and scope of the present invention and thus is compliant with 35 USC §112, first paragraph.

The only issue remaining is the “written description” rejection in the Final Rejection which applicants have addressed and, it is submitted, resolved by appropriate adjustment to claim 46.

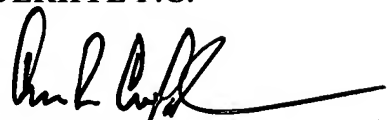
Favorable action is solicited. Should the examiner require further information, please contact the undersigned.

CANHAM et al.
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Respectfully submitted,

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